### EXECUTIVE SUMMARY - ENFORCEMENT MATTER

Page 1 of 3

**DOCKET NO.:** 2008-0023-MLM-E **TCEQ ID:** RN101190189 **CASE NO.:** 35165

RESPONDENT NAME: City of Rockdale

ORDER TYPE:		
X_1660 AGREED ORDER	FINDINGS AGREED ORDER	FINDINGS ORDER FOLLOWING SOAH HEARING
FINDINGS DEFAULT ORDER	_SHUTDOWN ORDER	IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
AMENDED ORDER	EMERGENCY ORDER	
CASE TYPE:		
AIR	X_MULTI-MEDIA (check all that apply)	INDUSTRIAL AND HAZARDOUS WASTE
X PUBLIC WATER SUPPLY	PETROLEUM STORAGE TANKS	OCCUPATIONAL CERTIFICATION
WATER QUALITY	SEWAGE SLUDGE	UNDERGROUND INJECTION CONTROL
MUNICIPAL SOLID WASTE	RADIOACTIVE WASTE	X WATER RIGHTS
Wilcox Street, Rockdale, Milam County  TYPE OF OPERATION: Public water sup		d at the intersection of Mill Street and South
There is no record of additional pending enfo	mplaint was received October 12, 2007, concerning rement actions regarding this facility location.	
INTERESTED PARTIES: A complaint was Agenda.	s received, but the complainant has not expressed a	desire to protest this action or to speak at
COMMENTS RECEIVED: The Texas Reg	ister comment period expired on May 26, 2008. No	comments were received.
TCEQ Enforcement Coordinator 4033; Mr. Bryan Sinclair, Enforcer Respondent: The Honorable John Mr. T. Flemming, City Manager, C	r: Ms. Sharon Blue, SEP Coordinator, Litigation D: Mr. Epifanio Villarreal, Enforcement Division, Ennent Division, MC 219, (512) 239-2171 Shoemaker, Mayor, City of Rockdale, P.O. Box 586 ity of Rockdale, P.O. Box 586, Rockdale, Texas 769 sented by counsel on this enforcement matter	iforcement Team 2, MC R-13, (210) 403- 6, Rockdale, Texas 76567-0586

# **RESPONDENT NAME:** City of Rockdale **DOCKET NO.:** 2008-0023-MLM-E

#### VIOLATION SUMMARY CHART: ORDER TYPE VIOLATION INFORMATION CORRECTIVE ACTIONS PENALTY CONSIDERATIONS TAKEN/REQUIRED A GOOT X Type of Investigation: Total Assessed: \$7.022 **Corrective Actions Taken:** X Complaint X Routine The Executive Director recognizes that the Total Deferred: \$1,404 Enforcement Follow-up Respondent has implemented the following X Expedited Settlement X\_Records Review corrective measures at the Facility: \_\_Financial Inability to Pay Date(s) of Complaints Relating to this a. On October 24, 2007, provided copies of Case: October 12, 2007 the following water system records: SEP Conditional Offset: \$5,618 bacteriological sample site plan, map, Date of Investigation Relating to this maximum day water usage, annual tank Total Paid (Due) to General Revenue: \$0 Case: Investigation, October 11, 2007; inspection forms for the ground and elevated Record Review, January 28, 2008 Site Compliance History Classification storage tanks; High \_\_Average Poor Date of NOV/NOE Relating to this Case: b. On October 24, 2007, submitted photographic documentation of the fences December 10, 2007 (NOE) **Person Compliance History Classification** with the repaired barbed wire sections of the High X Average Poor Background Facts: A complaint call was Allday elevated tower and the Texas Street received after the routine investigation was Plant: Water Rights conducted. A record review was also Major Source: Yes X No c. On October 24, 2007, provided conducted. compliance documentation demonstrating **Public Water Supply** WATER that the well meters were calibrated; Major Source: X Yes X No d. On October 24, 2007, submitted 1) Failed to provide water system records Applicable Penalty Policy: September 2002 photographic documentation of the water to Commission personnel at the time of the level indicators that were installed on the investigation [30 Tex. ADMIN. CODE § 290.46(f)(2) and 290.46(f)(3)(D)(iii)]. ground storage tanks at the Texas Street Plant and at the Mill Street plant; 2) Failed to provide an intruder-resistant fence to protect the Allday elevated tower e. On October 12, 2007, submitted a copy of and the Texas Street Plant [30 Tex. ADMIN. the plant operations manual; CODE § 290.43(e)]. f. On October 24, 2007, submitted 3) Failed to plug and seal an abandoned compliance documentation demonstrating public water supply well in accordance that the backflow assemblies have been with 16 Tex. ADMIN. CODE ch. 76 or return tested: and the well to a non-deteriorated condition [30 Tex. Admin.Code § 290.46(u)]. g. On October 24, 2007, provided a copy of the drought contingency plan. 4) Failed to calibrate the water system's well meters once every three years [30 **Ordering Provisions:** TEX. ADMIN. CODE § 290.46(s)(1)]. 1) The Order will require the Respondent to 5) Failed to provide the 20,000 gallon implement and complete a Supplemental storage tank at the Texas Street Plant and Environmental Project (SEP). (See SEP the below ground storage tank at the Mill Attachment A) Street Plant with a water level indicator [30 TEX. ADMIN. CODE § 290.43(c)(4)]. 2) The Order will also require the Respondent to: 6) Failed to maintain a plant operations a. Within 90 days after the effective date of manual for operator review and reference [30 Tex. Admin. Code § 290.42(1)]. this Agreed Order, ensure that the Belton well is properly plugged with cement or 7) Failed to test backflow prevention repaired to a non-deteriorated condition; and

# RESPONDENT NAME: City of Rockdale DOCKET NO.: 2008-0023-MLM-E

assemblies on an annual basis by a recognized backflow assembly tester and certified to be operating within specifications [30 Tex. Admin. Code § 290.44(h)(4)].  8) Failed to provide a copy of an adopted drought contingency plan [30 Tex. Admin. Code §§ 288.20(a) and 288.30(5)(B)].	b. Within 105 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision 2.a.
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Additional ID No(s).: PWS 1660002

## Attachment A Docket Numbers: 2008-0023-MLM-E

#### SUPPLEMENTAL ENVIRONMENTAL PROJECT

**Respondent:** City of Rockdale

Penalty Amount: Five Thousand Six Hundred Eighteen Dollars (\$5,618)

SEP Offset Amount: Five Thousand Six Hundred Eighteen Dollars (\$5,618)

Type of SEP: Cleanup of Unauthorized Dumpsite (pre-approved concept)

**Location of SEP:** Milam County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset the administrative Penalty Amount assessed in this Agreed Order for the Respondent to perform a Supplemental Environmental Project ("SEP"). The SEP Offset Amount is set forth above and such offset is conditioned upon completion of the project in accordance with the terms of this Attachment A.

#### 1. Project Description

#### A. Project

The Respondent shall perform a cleanup of an unauthorized trash and tire dumpsite along approximately 1,200 feet of creek located between Highway 79 and East 3<sup>rd</sup> Street in Milam County. The Respondent shall ensure that collected wastes are properly disposed of or recycled. The Respondent shall ensure that the event:

- occurs on a weekend or after-hours
- results in proper disposal or recycling of wastes
- is performed on properties where no responsible party can be found or where the property owner is low income

SEP monies will be used for equipment including roll-off bins, trailers, over time labor of employees, and proper disposal of the wastes.

The Respondent shall perform this project in accordance with all federal, state and local laws and regulations. The Respondent shall use the SEP Offset Amount only for the direct cost of implementing the project and no portion shall be spent on administrative costs. The Respondent recognizes that additional funds over and above the SEP Offset Amount may be necessary to conduct the event.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

#### B. Environmental Benefit

This SEP will provide a discernible environmental benefit by providing for the proper disposal of wastes and tires from an illegal dump. Disposal of the tires will help rid the community of the attractive nuisance that can

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City of Rockdale
Agreed Order – Attachment A 2008-0023-MLM-E

harbor vermin and mosquitoes that can carry West Nile virus. The cleanup will also help prevent release of harmful chemicals into the environment should the tires catch fire.

#### C. Minimum Expenditure

The Respondent shall spend at least the SEP Offset Amount to complete the project described above and comply with all other provisions of this Attachment A.

#### 2. Performance Schedule

The Respondent shall complete the project within one year after the effective date of this Agreed Order.

#### 3. Reporting

#### A. Progress Reports

Within 90 days after the effective date of this Agreed Order, the Respondent shall submit a report to the TCEQ indicating the progress made to date and setting forth a schedule for achieving completion within the time required above. The Respondent shall report to TCEQ quarterly (in 90-day increments) thereafter until the project is completed.

#### B. Final Report

Within 60 days after completion of the project, the Respondent shall submit a report to the TCEQ which includes:

- 1. An itemized list and total of expenditures and costs incurred with receipts, copies of checks, or other verifying documentation attached;
- 2. A statement of quantifiable environmental benefits;
- 3. Quantification of the amount of wastes collected and disposed or recycled;
- 4. Manifests indicating proper disposal or recycling of wastes;
- 5. Photographs of the project; and
- 6. Any additional information the Respondent believes will demonstrate compliance with this Attachment A.

#### C. Address

The Respondent shall submit all SEP reports and any requested additional information to the following address:

Litigation Division Attention: SEP Coordinator, MC 175 Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

#### 4. Additional Information and Access

The Respondent shall provide any additional information required by TCEQ staff and allow access to all records related to the receipt and expenditure of SEP funds. The Respondent shall also allow a representative of the TCEQ access to the site of any work being financed in whole or in part by SEP funds. This provision survives the termination of this Agreed Order.

#### 5. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Offset Amount.

In the event of incomplete performance, the Respondent shall include the docket number of this Agreed Order with payment of the amount due, explaining that the payment is for a SEP reimbursement. The payment for any amount due shall be made out to the "Texas Commission on Environmental Quality" and shall be mailed to:

Litigation Division Attention: SEP Coordinator, MC 175 Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

#### 6. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must also clearly state that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

#### 7. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program. Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

### 8. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other orders negotiated with the TCEQ or any other agency of the state or federal government.

	Penalty Calculation	n Worksheet (P	CW)	
Button Doubleton 6 (Combo	•	i worksneet (i	•	lovember 6, 2007
Policy Revision 2 (Septe	mber 2002)		PCW Revision N	ovember 6, 2007
DATES Assigned	17-Dec-2007		The state of the s	
PCW	2-Jan-2008 Screening 2-Jan-2008	EPA Due		
	The second secon			A
RESPONDENT/FACILITY_				
	City of Rockdale			_
Reg. Ent. Ref. No. F Facility/Site Region		Major/Minor Source	Major	<b>-</b>   .
Facility/Site Region[8	Vaco	Major/Minor Source	: [IMajUI	
CASE INFORMATION				
Enf./Case ID No.	5165	No. of Violations		
	008-0023-MLM-E	Order Type		
Media Program(s)	Public Water Supply		Epifanio Villarreal	
Multi-Media		\$1,000	Enforcement Team 2	[
Admin. Penalty \$ Li	mit willimum \$50 Maximum	\$1,000		
	Penalty Calcula	tion Section		
	Market and the second s	transport to the control of the cont	A control and object and a control of	
TOTAL BASE PENAL	ΓΥ (Sum of violation base penaltie	s)	Subtotal 1	\$4,650
AD ILIOTMENTO (LIA)	O SUPTOTAL 1	REPORT OF CAME		estable i discitt
ADJUSTMENTS (+/-) 7 Subtotals 2-7 are obtained	ed by multiplying the Total Base Penalty (Subtotal 1) by	the indicated percentage.		
Compliance Histor	apper 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1		totals 2, 3, & 7	\$1,162
	The penalty enhancement is due to one	prior Notice of Violation		
No.	containing violations that are the same as o	•		***************************************
Notes	the current enforcement action and one p	orior order that contains a		000000
	denial of liability.			
				\$0
Culpability	No   <b>0%</b>	Enhancement	Subtotal 4	<b>\$</b> 0
Notes	The Respondent does not meet the	culpability criteria.		
Good Faith Effort	to Comply 0%	Reduction	Subtotal 5	\$0
	Before NOV NOV to EDPRP/Settlement Offer	aatlasseks siisi va tatta is		
Extraordinary				
Ordinary				
N/A	X (mark with x)		٦ .	
Notes	The Respondent does not meet the	good faith criteria.		
L				
	0%	Enhancement*	Subtotal 6	\$0
		at the Total EB \$ Amount		
Арргох. С	ost of Compliance \$11,400			
SUM OF SUBTOTALS	1-7		Final Subtotal	\$5,812
		ABTUA, BOUT OF COLONIA SECTION 1997	2000 (1000) 1000 (1000) 1000 (1000)	
OTHER FACTORS AS	JUSTICE MAY REQUIRE	10%	Adjustment	\$600
Reduces or enhances the Final Su	btotal by the indicated percentage.	With the second	- Contrador Sanaka de Contrador	
	Enhancement recommended for recov	ery of avoided costs of		
Notes	compliance.			
L	A CONTRACTOR OF THE CONTRACTOR	Final Pa	enalty Amount	\$6,412
•		r mai r c	marty Amount	40,112
STATUTORY LIMIT A	DJUSTMENT	Final Ass	essed Penalty	\$6,412
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DEFERRAL	namental de la composição de la composição En la composição de la co	20% Reduction	Adjustment	-\$1,282
	ity by the indicted percentage. (Enter number only; e.g		property of Armen Control of	
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Notes	Deferral offered for expedite	d settlement.		
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PAYARI E PENALTY			a a Martania ka a	\$5.130
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Screening Date 2-Jan-2008

Docket No. 2008-0023-MLM-E

**PCW** 

Respondent City of Rockdale

Case ID No. 35165

Reg. Ent. Reference No. RN101190189

Media [Statute] Public Water Supply Enf, Coordinator Epifanio Villarreal

Policy Revision 2 (September 2002) PCW Revision November 6, 2007

	/ Site Enhancement (Subtotal 2) Number of	Enter Number Here	Adjus
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	1	5%
	Other written NOVs	0	0%
<i>F</i>	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	1.	20%
Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denia of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission		0%
Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	14.17.47.07	0%
and Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final cour judgments or consent decrees without a denial of liability, of this state or the federa government		0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)		0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
<del>~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~</del>		se Enter Yes or No	
	Environmental management systems in place for one year or more	No	0%
Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	l No	0%

Adjustment Percentage (Subtotal 2) 25%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3)

0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7)

U70

>> Compliance History Summary

Compliance History Notes The penalty enhancement is due to one prior Notice of Violation containing violations that are the same as or similar to the violations in the current enforcement action and one prior order that contains a denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7)

25%

Screenii	ng Date	2-Jan-2008	:		ocket No.	. 2008-0023-MLM-E		PCW
Resp	ondent	City of Rockda	le				Policy Re	vision 2 (September 2002)
	e ID No.					,	PCW R	evision November 6, 2007
Reg. Ent. Refere	nce No.	RN101190189						
Media [	Statute]	Public Water S	Supply					
		Epifanio Villarr	eal					
Violation	ı Number	1						
Ru	le Cite(s)		30 Tex. Adm	in. Code § 29	0.46(f)(2) ar	nd 290.46(f)(3)(D)(iii)		
Violation De	scription	investigation not available f	. Specifically, or review: ba past 12 mon	at the time o	f the investig ample site p al tank inspe	sion personnel at the time gation, the following record plan and map, maximum dection forms for all of the see tanks.	s were ay water	
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	Isification	Major	Moderate	Minor	=1			
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	rk only one	quarterly				Violation Base	Penalty	\$100
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		annual						
mental construction of the		single event	X					
-				***************************************		S		
		•	One sine	gle event is re	ecommende	d.		
			<u> </u>					
Economic Benefit (El	B) for th	is violation			144	Statutory Limit Tes		
	F-4!	JED A		Φ.	7	Violation First P		6420
	⊏stimated	d EB Amount		\$0	<u>'</u>	Violation Final Pena	ity i otal	\$138
			Т	his violation	Final Asses	ssed Penalty (adjusted fo	r limits)	\$138
BERMAN STORY				55 E			44	

	a Public Water S	ирріу			77 A +	Percent Interest	Years of Depreciation
Violation No				in the	THAT CHAILS	5.0	ျှာင်မျာ eciation 15
Item Description	Item Cost	Date Required		108 - 10 P. C	Interest Saved	Onetime Costs	EB Amount
AW. Standard Mark				areskonario eri Eksteraturio eri	,		
Delayed Costs Equipment	à			0.0	<b>\$</b> 0	\$0 T	\$0
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Other (as needed)		A South Control of the Control of th	ADDRESS AND	0.0	\$0	\$0 \$0	\$0
Engineering/construction	*****			0.0	\$0	\$0	\$0
Land				0.0	\$017	n/a	\$0
Record Keeping System	\$200	11-Oct-2007	24-Oct-2007	0.0	\$0	n/a*	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs			The part of the control of the contr	0.0	\$0	n/a	\$0
Other (as needed)			Chrystophic Titles, 11	0.0	00	E CAN THE COLUMN TO THE COLUMN	0.0
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Notes for DELAYED costs  Avoided Costs  Disposal			investigation to	naintain v the date	water system reco e of compliance.		the date of the
Avoided Costs  Disposal  Personnel			investigation to	naintain v the date ntering 0.0	water system reco e of compliance. Item (except for a \$0 \$0	rds, calculated from	the date of the
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling			investigation to	naintain v the date ntering 0.0 0.0	water system reco e of compliance. Item (except for a \$0 \$0 \$0	one-time avoided c	the date of the
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Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]			investigation to	naintain v the date ntering 0.0 0.0 0.0 0.0	water system reco e of compliance. item (except for c \$0 \$0 \$0 \$0	rds, calculated from	the date of the osts)  \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
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Screening Date	2-Jan-2008	Docket No. 2	2008-0023-MLM-E	PCW
Respondent	City of Rockdale		Policy R	evision 2 (September 2002)
Case ID No.			PCW	Revision November 6, 2007
Reg. Ent. Reference No.	RN101190189			
	Public Water Supply			000000000000000000000000000000000000000
Enf. Coordinator	Epifanio Villarreal			
Violation Number	2			
Rule Cite(s)		30 Tex. Admin. Code § 290.	43(e)	оодология
Violation Description	Texas Street Plant. S Allday elevated tower f noted that damage was	uder-resistant fence to protect the protect the pecifically, at the time of the inverse ence had broken strands of barts done to the barbed wire at the egate entrance for the Texas St	ped wire. In addition, it was also left corner of the plant and near	
			Base Penalty	\$1,000
>> Environmental, Property a	and Human Health N	latrix	Albert Aller and Albert	
2. Livinonmental, i ropolity e	Harm			
Release	Major Moderat	e Minor		
OR Actual			***************************************	
Potential		x	Percent 10%	
S-Duc a produce at a Matrix				
>>Programmatic Matrix Falsification	Major Moderat	e Minor		and the second s
T alsincation	Wajor Woderat		Percent 0%	
			075	and the control of th
Matrix tanks whi	ich may compromise the ustomers to an insignifica	nt fence may allow persons to e system's ability to provide a safe int amount of pollutants which w protective of human health.	and adequate water supply	
		Ac	ijustment \$900	
			•	
				\$100
Violation Events				
riological Events				
Number of Vio	olation Events 2	13	Number of violation days	
mark only one with an x	daily monthly quarterly semiannual annual single event x		Violation Base Penalty	\$200
	Two single even	ts are recommended (one event	per fence.)	
Economic Benefit (EB) for th	is violation		Statutory Limit Test	
Estimate	d EB Amount	\$1	Violation Final Penalty Total	\$276
				AC-70
		This violation Final Assess	ed Penalty (adjusted for limits)	\$276

Case ID No	1898	9					
Reg. Ent. Reference No Media Violation No	a Public Water Si	upply				Percent Interest	Years of Depreciation
	48124	3.644.6		100 mg		5,0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	n No commas or \$						
Delayed Costs	5 <u> </u>			141.4	1. 1.1.1.1.1.1.1		
Equipment	budden a arth	i - Sindikizs	dicensi le de la company	0,0	\$0	\$0	\$0
Buildings	4.31.032.032.4.2.4.		and a substitute of the substi	0.0	\$0	\$0	\$0
Other (as needed)	\$400	11-Oct-2007	24-Oct-2007	0.0	\$0	\$1	\$1
Engineering/construction			Constitution of the consti	0.0	\$0	\$0	\$0
Land		110000000000000000000000000000000000000	SALAN	0.0	\$0	n/a	\$0
Record Keeping System			ver transfer of the second	0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs Other (as needed)			actual transfer and a second	0.0	\$0 \$0	n/a n/a	\$0 \$0
	709-1		A secretary operation and the secretary of the secretary operations and the secretary of th	1 0,0			ΨΟ
Notes for DELAYED costs  Avoided Costs	The state of the s	calculated f	rom the date of the	investiç	gation to the date o	ed tower and the Tex of compliance. one-time avoided c	
	The state of the s	calculated f	rom the date of the	ntering	gation to the date of the litem (except for \$0	of compliance.  one-time avoided c  \$0	osts) \$0
Avoided Costs Disposal Personnel	The state of the s	calculated f	rom the date of the	ntering	item (except for \$0 \$0	of compliance.  one-time avoided c \$0 \$0	osts) \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling	The state of the s	calculated f	rom the date of the	ntering 0.0 0.0 0.0	item (except for \$0 \$0 \$0 \$0	of compliance.  one-time avoided c \$0 \$0 \$0 \$0	osts) \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment	The state of the s	calculated f	rom the date of the	ntering 0.0 0.0 0.0 0.0	gation to the date of the form (except for \$0 \$0 \$0 \$0 \$0	one-time avoided c \$0 \$0 \$0 \$0 \$0	so \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	The state of the s	calculated f	rom the date of the	ntering   0.0   0.0   0.0   0.0   0.0   0.0	item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	of compliance.  one-time avoided c  \$0  \$0  \$0  \$0  \$0  \$0  \$0	osts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Gosts Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	The state of the s	calculated f	rom the date of the	ntering 0.0 0.0 0.0 0.0 0.0 0.0	item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	of compliance.  one-time avoided c  \$0  \$0  \$0  \$0  \$0  \$0  \$0  \$0  \$0  \$	so \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	The state of the s	calculated f	rom the date of the	ntering   0.0   0.0   0.0   0.0   0.0   0.0	item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	of compliance.  one-time avoided c  \$0  \$0  \$0  \$0  \$0  \$0  \$0	osts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	The state of the s	calculated fi	rom the date of the	ntering 0.0 0.0 0.0 0.0 0.0 0.0	item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	of compliance.  one-time avoided c  \$0  \$0  \$0  \$0  \$0  \$0  \$0  \$0  \$0  \$	sosts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

Screening Date	€ 2-Jan-2008	<b>Docket No.</b> 2008-0023-ML	и-E PCW
	t City of Rockdale		Policy Revision 2 (September 2002)
Case ID No			PCW Revision November 6, 2007
Reg. Ent. Reference No			***************************************
The state of the s	Public Water Supply		
Enf. Coordinato			2007
Violation Numbe Rule Cite(s			
Rule Cite(s	7	30 Tex. Admin.Code § 290.46(u)	-
Violation Description	Tex. Admin. Code ch.	al an abandoned public water supply well in acc 76 or return the well to a non-deteriorated cond tigation, it was noted that the system had disco Belton well five years ago.	tion. Specifically,
			Base Penalty \$1,000
>> Environmental, Property			
Releas OR Actua	al		50%
Potentia	al X	reicent	
>>Programmatic Matrix			***************************************
Falsification	n Major Modera	te Minor	
		Percent	0%
		operly cemented and protected could cause the ith a significant amount of pollutants which wou protective of human health.	
		Adjustment	\$500
			<b>\$500</b>
			\$500
Violation Events			
Number of V	iolation Events 3	83 Number of viol	ation days
mark only one with an x	daily monthly quarterly semiannual annual single event	Violat	ion Base Penalty \$1,500
Three mor		ended from the date of the investigation, Octobe e of screening, January 2, 2008.	r 11, 2007 to the
Economic Benefit (EB) for t	his violation	Statutory Li	mit Test
	ed EB Amount		nal Penalty Total \$2,068
		This violation Final Assessed Penalty (ad	ljusted for limits) \$2,068
		y (	- 1

No man of the second se	337 K X E	conomic	Benefit W	orks/	heet		
Respondent		10	terminal de la companie de la compa			Anna and An	myens sentresen men noomaldes (S
Case ID No.	35165					. <b>.</b>	
Reg. Ent. Reference No.	RN101190189				1 - 11-07	. 5 1₩ a + +	
	Public Water S	vlagu					Years of
Violation No.						Percent Interest	Depreciation
* Notation IVO	La catalogica de la composición dela composición de la composición dela composición dela composición dela composición de la composición dela composición			2001 B10			NO. 254 205 SER
	Andrew Sanda Company			and the second		5.0	15]
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$					det.	
2.4							
Delayed Costs				S. A		E REPORTED	
Equipment			Contract	0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$10,000	11-Oct-2007	1-Nov-2008	1.1	\$35	\$707	\$742
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	it n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal		A CONTRACTOR CONTRACTO		0.0	\$0	n/a	\$0
Permit Costs		Control Contro		0,0	\$0	n/a	\$0
Other (as needed)	- 1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1	La real Burnello di Allendia di	Marine Marine	0.0	\$0	n/a	\$0
Notes for DELAYED costs  Avoided Costs	deteriorat	ed condition, calcu	lated from the date	e of the in	nvestigation to the	r return the Belton v estimated date of c constime avoided o	ompliance.
Disposal		4.7572.552	CONCRETE CONTRACTOR	7 0.0	\$0	\$0	\$0
Personnel							
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
inspection/keporting/Sampling		- 11 12 12 12 12 12 12 12 12 12 12 12 12		0.0	\$0 \$0	\$0 \$0	
Supplies/equipment		2 A 2 A 2 A 2 A 2 A 2 A 2 A 2 A 2 A 2 A					\$0.
				0.0	\$0 \$0 \$0	\$0 \$0 \$0	\$0 \$0
Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]		A 1 ( * Control	A STATE OF THE STA	0.0 0.0 0.0 0.0	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0
Supplies/equipment Financial Assurance [2]				0.0	\$0 \$0 \$0	\$0 \$0 \$0	\$0 \$0 \$0 \$0
Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]				0.0 0.0 0.0 0.0	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0
Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)				0.0 0.0 0.0 0.0	\$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0
Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]			The state of the s	0.0 0.0 0.0 0.0	\$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0
Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)		6.5		0.0 0.0 0.0 0.0	\$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0
Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)				0.0 0.0 0.0 0.0	\$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0
Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)		\$10,000		0.0 0.0 0.0 0.0	\$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0

Screening Date		Docket No. 2008-0023-MLM-E	PCW
	City of Rockdale		Policy Revision 2 (September 2002)
Case ID No.			PCW Revision November 6, 2007
Reg. Ent. Reference No.			***************************************
	Public Water Supply		
Enf. Coordinator			
Violation Number Rule Cite(s			
Rule Cite(s)		30 Tex. Admin. Code § 290.46(s)(1)	
Violation Description	the time of the investiga	ter system's well meters once every three years. Specil tion, it was noted that the well meters for the Praesel, / Tracy wells had not been calibrated in the past three ye	Airport,
			Penalty \$1,000
>> Environmental, Property		atrix	
Release OR Actua Potentia		Minor  x Percent 10%	
Totomia		1070	
>>Programmatic Matrix			
Falsification	Major Moderate		
		Percent 0%	Octoberation
		erly calibrated could result in inaccurate or unavailable I prevent the system from ensuring a continuous and sa supply.	
2006 2006 2007 2008 2008 2008 2008 2008 2008 2008		Adjustment	\$900
****			•
			\$100
Violation Events			
Number of Vi	olation Events 4	13 Number of violation days	
mark only one with an x	daily monthly quarterly semiannual annual single event x	Violation Base	Penalty \$400
	Four single events	are recommended (one event per meter).	
Economic Benefit (EB) for the	is violation	Statutory Limit Tes	t a garagana sa mai
Eatimata	d ER Amount	\$239 Violation Final Pena	Ity Total \$552
Estimate	d EB Amount	Ψ200] Violation Final Fena	
F 7 1 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2		This violation Final Assessed Penalty (adjusted for	or limits) \$552

	E	conomic	Benefit W	orks	sheet	F. G. S	
Respondent	The second of th	1	_00				
Case ID No.	,	10				( ) - ( ) - ( ) - ( )	
Reg. Ent. Reference No.	4				1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	Some of the	
	Public Water S	unnh				Law every constraint	Years of
Violation No.		uppiy				Percent Interest	Depreciation
And the second s					<b>斯勒洛斯斯</b>	5.0	. 15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
Delayed Costs	and with the					ava <b>l</b> to, e i e	
Delayeu Costs Equipment		1000		1 0.0	so	\$0	\$0
Buildings	Lie Heisengegen fisch			0.0	\$0	\$0	\$0 \$0
Other (as needed)	100000000000000000000000000000000000000			0.0	\$0	\$0	\$0
Engineering/construction			Communication of the Complete	0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	-n/a	\$0
Permit Costs		STAPLISH OF STATE		0.0	\$0	n/a	\$0
Other (as needed)	His wife williams		1.74430	0.0	\$0	n/a	\$0
Notes for DELAYED costs				40 430	ers Persent	enge gandball mag	
	The state of the s	ekan an diskuma a sama		Andrew Street, Street, and Street, Str		i incomi con con i	
Avoided Costs	ANN	NUALIZE [1] avoid	ed costs before e	ntering	item (except for	one-time avoided c	osts)
Avoided Costs Disposal	ANN	NUALIZE [1] avoid	ed costs before e	ntering 0.0	item (except for	one-time avoided c	osts) \$0
Disposal Personnel	ANN	NUALIZE [1] avoid	ed costs before e	*******************		\$0 \$0	
Disposal Personnel Inspection/Reporting/Sampling	ANN	NUALIZE [1] avoid	ed costs before e	0.0	\$0 \$0 \$0	\$0 \$0 \$0	\$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment	ANN	NUALIZE [1] avoid	ed costs before e	0.0 0.0 0.0 0.0	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	ANI	VALIZE [1] avoid	ed costs before o	0.0 0.0 0.0 0.0 0.0	\$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]		Control of the contro	•	0.0 0.0 0.0 0.0 0.0 0.0	\$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	ANN	NUALIZE [1] avoid	ed costs before e	0.0 0.0 0.0 0.0 0.0	\$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	\$200	11-Oct-2004	11-Oct-2007	0,0 0,0 0,0 0,0 0,0 0,0 0,0 3,9	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	\$200	11-Oct-2004	11-Oct-2007	0,0 0,0 0,0 0,0 0,0 0,0 0,0 3,9	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$1 \$0 \$1 \$1 \$1 \$1 \$1 \$1 \$1 \$1 \$1 \$1 \$1 \$1 \$1	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$200	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	\$200	11-Oct-2004	11-Oct-2007	0,0 0,0 0,0 0,0 0,0 0,0 0,0 3,9	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$1 \$0 \$1 \$1 \$1 \$1 \$1 \$1 \$1 \$1 \$1 \$1 \$1 \$1 \$1	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$200	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	\$200	11-Oct-2004	11-Oct-2007	0,0 0,0 0,0 0,0 0,0 0,0 0,0 3,9	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$1 \$0 \$1 \$1 \$1 \$1 \$1 \$1 \$1 \$1 \$1 \$1 \$1 \$1 \$1	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$200	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

Screening Date	2-Jan-2008	Docket No. 200	08-0023-MLM-E	PCW
Respondent	City of Rockdale			Policy Revision 2 (September 2002)
Case ID No.	35165			PCW Revision November 6, 2007
Reg. Ent. Reference No.	RN101190189			
Media [Statute]	Public Water Supply			
Enf. Coordinator				
Violation Number				
Rule Cite(s)		30 Tex. Admin. Code § 290.43(c	:)(4)	
Violation Description		100 gallon storage tank at the Tex ank at the Mill Street Plant with a		below
			Base P	enalty \$1,000
>> Environmental, Property a	and Human Health Ma	atrix		
	Harm			
Release		Minor		
OR Actual Potential		X Pe	rcent 10%	
Toterida			1070	
>>Programmatic Matrix		<b>建制基本 数型表表现</b>		
Falsification	Major Moderate	Minor		
		Pe	rcent 0%	
1 T T			WAS A STANKEN ON THE HUMBER OF THE STANKEN OF THE S	
		with a water level indicator preve expose customers to an inadequ		om
		Adju	stment	<u>\$900</u>
-				£400
				\$100
Violation Events	LEADE TE	ARTI A BALLEY		
Number of Vi	olation Events 2	13Nu	mber of violation days	de de la companya de
		<b>¬</b>		roaderen
mark only one with an x	daily monthly quarterly semiannual annual single event x		Violation Base F	Penalty \$200
	-			
	I wo sir	ngle events are recommended.		
Economic Benefit (EB) for the	is violation	St	atutory Limit Test	
Estimate	d EB Amount	\$0	Violation Final Penalt	y Total \$276
		This violation Final Assessed	Donalty (adjusted for	limits) \$276
		ims violation rinal Assessed	i renany (aujusteu for	mms) \$270

	(4.50 <b>€</b>	conomic E	Benefit W	orks	sheet	ELEMENT OF COMME	
Respondent	City of Rockdal	F1-75 - 11-11-11-11-11-11-11-11-11-11-11-11-1					150 m
Case ID No						and the second of the second	
Reg. Ent. Reference No						4 4 3 44 4 3 4 4 4 5	
- 1	Public Water S	unnly			* * *		Years of
Violation No		ирріу				Percent Interest	Depreciation
Violation in					Harlanda a saldan	Andread Programme Constitution	
	300 300 (1)			ille Common and a second	l maria	5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	1 No commas or \$	for constant	Soundary, Co. Los				
	THE PARTY OF THE P						
Delayed Costs	ś						Silbert Control
Equipment	\$100	11-Oct-2007	24-Oct-2007	0,0	\$0	\$0	\$0
Buildings				0,0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	- n/a	\$0
Record Keeping System		The state of the s		0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal	and the same of the same			0.0	\$0	n/a	\$0
Permit Costs			Ozavis/s	0.0	\$0	n/a	\$0
Other (as needed)	Str. Acre		and the second second section of the second	0.0	\$0	n/a=	\$0
Notes for DELAYED costs							
			the investigation	t Plant w to the d	ate of compliance		
Avoided Costs	ANN		the investigation	t Plant w to the d	ate of compliance		rom the date of
Avoided Costs Disposal	ANN		the investigation	t Plant w to the d	ate of compliance item (except for \$0		rom the date of
Disposal Personnel	ANN		the investigation	Plant w to the d	ate of compliance item (except for \$0 \$0	one-time avoided c	rom the date of osts)
Disposal Personnel Inspection/Reporting/Sampling	ANN		the investigation	t Plant w to the d ntering 0.0	ate of compliance item (except for \$0 \$0 \$0 \$0 \$0	one-time avoided c	osts)
Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment	5 ANN		the investigation	t Plant w to the d ntering 0.0 0.0 0.0 0.0	ate of compliance item (except for \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided c \$0 \$0 \$0 \$0	osts) \$0 \$0 \$0 \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	ANN		the investigation	t Plant w to the d ntering 0.0 0.0 0.0 0.0	ate of compliance item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided c \$0 \$0 \$0 \$0 \$0	osts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	ANN		the investigation	ntering  0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0	ate of compliance item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$	osts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	ANN		the investigation	t Plant w to the d ntering 0.0 0.0 0.0 0.0	ate of compliance item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided c \$0 \$0 \$0 \$0 \$0	osts)  \$0  \$0  \$0  \$0  \$0  \$0  \$0  \$0  \$0  \$
Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	ANN	UALIZE [1] avoide	the investigation	ntering 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.	ate of compliance item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$	osts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	ANN	UALIZE [1] avoide	the investigation	ntering 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.	ate of compliance item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	osts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	ANI	UALIZE [1] avoide	the investigation	ntering 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.	ate of compliance item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	osts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	ANI	UALIZE [1] avoide	the investigation	ntering 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.	ate of compliance item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	osts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	ANI	UALIZE [1] avoide	the investigation	ntering 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.	ate of compliance item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	osts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	ANN	UALIZE [1] avoide	the investigation	ntering 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.	ate of compliance item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	osts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

Screening Date	2-Jan-2008	Docket No. 2008-0023-MLM-E	PCW
Respondent	City of Rockda	<b>e</b> F	olicy Revision 2 (September 2002)
Case ID No.			PCW Revision November 6, 2007
Reg. Ent. Reference No.			
Media [Statute]			
Enf. Coordinator		eal	
Violation Number			<del></del>
Rule Cite(s)		30 Tex. Admin. Code § 290.42(I)	
Violation Description	Failed to r	naintain a plant operations manual for operator review and reference	
		Base Pe	nalty \$1,000
>> Environmental, Property a	and Human F	leaith Matrix Harm	
OR Release OR Actual Potentia		Moderate Minor Percent 0%	
>>Programmatic Matrix	100		
Falsification	Major	Moderate Minor	
2 0.000 2 0.000 2 0.000 2 0.000	x	Percent 25%	
Matrix Notes		100% of the rule requirement was not met.	
		Adjustment	\$750
			\$250
Violation Events			
	-		
Number of Vi	olation Events	1 Number of violation days	***
mark only one with an x	daily monthly quarterly semiannual annual single event	Violation Base Pe	nalty \$250
		One single event is recommended.	
Economic Benefit (EB) for th	is violation	Statutory Limit Test	2 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7
Estimate	d EB Amount	\$0 Violation Final Penalty	Total \$345
		This violation Final Assessed Penalty (adjusted for li	mits) \$345
	A SOCIO	This fisher is man Assessed to thanky (adjusted for in	Ψοτο

	g i Millyla in 🖪	conomic	Benefit W	orks	heet		
Respondent	City of Rockdal	5 10 4 5 10 10 10 10 10 10 10 10 10 10 10 10 10		1000 C		Part of the second seco	Name of the Contract of the Co
Case ID No	. 35165					1 1 1 1 1 1 1 1 1	
Reg. Ent. Reference No	RN101190189				44.1	and the first of the same	المول الأفارة
1970a - 20 Culti- Rushing (1984)	Public Water S	upply				Percent Interest	Years of Depreciation
		100	A J. B. Balania		Card Control Change	5,0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description							LD / unounc
item pescription	1 No commas or 4.			da i			
Delayed Costs				\$		SHINLY HARRES	valido J. P
Equipment				0.0	\$0	\$0 T	\$0
Buildings	Best According	ALSO AND THE REST		0,0	\$0	\$0	\$0
Other (as needed)	7551-55 5			0.0	\$0	\$0	\$0
Engineering/construction	International Control of Control			0.0	\$0	<b>∜ \$0</b>	\$0
Land	estate):			0.0	\$0	n/a	\$0
Record Keeping System	\$100	11-Oct-2007	12-Oct-2007	0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)		34		0.0	.\$0	n/a	\$0
Notes for DELAYED costs  Avoided Gosts	A series of the	from t	he date of the inve	stigation ntering	to the date of cor	one-time avoided c	
Avoided Costs Disposal	A series of the	from t	he date of the inve	ntering	to the date of con item (except for \$0	one-time avoided o	osts) \$0
Avoided Costs Disposal Personnel	A series of the	from t	he date of the inve	ntering  0.0  0.0	to the date of con item (except for \$0 \$0	one-time avoided o	osts) \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling	A series of the	from t	he date of the inve	ntering 0.0 0.0 0.0	to the date of conitem (except for \$0 \$0 \$0	one-time avoided of \$0 \$0 \$0 \$0	osts) \$0 \$0 \$0
Avoided Gosts Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment	A series of the	from t	he date of the inve	ntering  0.0  0.0  0.0  0.0  0.0	to the date of cor item (except for \$0 \$0 \$0 \$0	one-time avoided of \$0 \$0 \$0 \$0 \$0	osts) \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	A series of the	from t	he date of the inve	ntering   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0	to the date of cor item (except for \$0 \$0 \$0 \$0 \$0	one-time avoided c \$0 \$0 \$0 \$0 \$0	osts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	A series of the	from t	he date of the inve	ntering   0,0   0,0   0,0   0,0   0,0   0,0   0,0   0,0   0,0   0,0	to the date of cor item (except for \$0 \$0 \$0 \$0 \$0	one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0	s0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	A series of the	from t	he date of the inve	ntering   0.0   0.0   0.0   0.0   0.0   0.0   0.0   0.0	to the date of cor item (except for \$0 \$0 \$0 \$0 \$0	one-time avoided c \$0 \$0 \$0 \$0 \$0	osts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	A series of the	from t	he date of the inve	ntering   0,0   0,0   0,0   0,0   0,0   0,0   0,0   0,0   0,0   0,0	to the date of cor item (except for \$0 \$0 \$0 \$0 \$0	one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0	s0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	A series of the	from t	he date of the inve	ntering   0,0   0,0   0,0   0,0   0,0   0,0   0,0   0,0   0,0   0,0	to the date of cor item (except for \$0 \$0 \$0 \$0 \$0	one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0	s0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	A series of the	from t	he date of the inve	ntering   0,0   0,0   0,0   0,0   0,0   0,0   0,0   0,0   0,0   0,0	to the date of cor item (except for \$0 \$0 \$0 \$0 \$0	one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0	s0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	A series of the	from t	he date of the inve	ntering   0,0   0,0   0,0   0,0   0,0   0,0   0,0   0,0   0,0   0,0	to the date of cor item (except for \$0 \$0 \$0 \$0 \$0	one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0	s0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	A series of the	from t	he date of the inve	ntering   0,0   0,0   0,0   0,0   0,0   0,0   0,0   0,0   0,0   0,0	to the date of cor item (except for \$0 \$0 \$0 \$0 \$0	one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0	s0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

Screening Date	≥ 2-Jan-2008	Docket No. 2008-0023-MLM-E	PCW
	t City of Rockdale		Policy Revision 2 (September 2002)
Case ID No	•		PCW Revision November 6, 2007
Reg. Ent. Reference No			
	Public Water Supply		# 1 m 1 m 1 m 1 m 1 m 1 m 1 m 1 m 1 m 1
Enf. Coordinato	=		1100
Violation Numbe			
Rule Cite(s	\ <del> </del>		
710.10 0.110(0	´  30	Tex. Admin. Code § 290.44(h)(4)	
Violation Description	backflow assembly tester an at the time of the investigation the City of Rockdale's waste	evention assemblies on an annual basis by a recograd certified to be operating within specifications. Specion, it was noted that the backflow prevention assementation assembly the carwash located at 338 East Cameron Street had notested in the past 12 months.	cifically, blies at rive and
		Base	Penalty \$1,000
>> Environmental, Property	and Human Health Matri		
	Harm		
Releas		Minor	
OR Actua	.	Boroont 500()	· confidence control c
Potentia	al x	Percent 50%	77.00
>>Programmatic Matrix			nonne
Falsification	n Major Moderate	Minor	-
T dismodus.		Percent 0%	
200			
Matrix Failure to to		blies could expose the water system to a significant seed levels that are protective of human health.	amount
Notes	or pollutarite willor would exc	cod levels that are protestive of flaman floaten.	
		Adjustment	\$500
			\$500
Violation Events			
	4	365 Number of violation days	
			2000
	daily		
mark only one		Violation Base	Penalty \$2,000
with an x	semiannual	Violation Bass	
	annual x		***************************************
	single event		n.
	23.20.20.20.20.20.20.20.20.20.20.20.20.20.		
·			Listonia de la companio della compan
	Four annual events a	are recommended (one event per site).	***************************************
Economic Benefit (EB) for t	nis violation	Statutory Limit Test	
Estimate	ed EB Amount	\$420 Violation Final Penal	
	T	his violation Final Assessed Penalty (adjusted fo	r limits) \$2,758

Supplies/equipment	Respondent		conomic l	3enefit W	orks'	heet		
Notes for DELAYED costs   Percent Interest   Vears of Depreciation   Percent Interest   Vears of Depreciation   Percent Interest   Vears of Depreciation   Percent Interest   Percent Interest   Vears of Depreciation   Percent Interest   Percent Interest   Percent Interest   Percent Interest   Vears of Depreciation   Percent Interest		·				44 a *		
Notes for DELAYED costs   Disposal Personnel Specifion   Specifi	Reg. Ent. Reference No.	RN101190189				* \$100 person	1.2.2.2	3 193
			upply	The Park No. of the Control of the C	tan e marmiaentena	·	Percent Interest	
Delayed Costs				100	21/11/2	BANGE OF SU	5.0	15
Delayed Costs   Equipment		Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment Buildings	Item Description	No commas or \$		rodini i Albini Fara				
Buildings	Delayed Costs				ensoleeps			kilo kilo baswi
Other (as needed)				the first of the second state of the second				
Engineering/construction   Land   0.0   \$0   \$0   \$0   \$0   \$0   \$0   \$								
Land			1 22 22 22 23 24					
Record Keeping System			10 to 25					
Training/Sampling								
Notes for DELAYED costs		Carrier My Carrier Con-						
Notes for DELAYED costs								
Notes for DELAYED costs								
Avoided Costs			1			The state of the s		And the second s
Avoided Costs	omor (as necessary	17 ACT AND MENT OF THE PARTY OF	The state of the s	The state of the s		Laster and the Cartes of the	IV.G.	
Avoided Costs				e waalde ee			- 1 - 148.0 (Januaria)	
Avoided Costs	Notes for DELAYED costs			per en				
Avoided Costs			Display Ma	de manufacture de significación de la constantina della constantin	le diament	Dang dipangan da	To the state of th	
Disposal Personnel	Avoided Costs			d costs before e	nterina	item (except for	one-time avoided c	osts)
Personnel	Sea La Carrier Carrier Control							
Spection/Reporting/Sampling   \$400	,			1 (1)				
Supplies/equipment	Inspection/Reporting/Sampling	\$400	11-Oct-2006	11-Oct-2007				
Financial Assurance [2]   0.0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0				1,2,2,2				
ONE-TIME avoided costs [3] 0.0 \$0 \$0 \$0								
	ONE-TIME avoided costs [3]		Language Company		0.0	\$0	\$0	
Other (as needed)   0.0 \$0 \$0 \$0	Other (as needed)				0.0	\$0	\$0	\$0
Other (as needed)                     0.0   \$0   \$0   \$0	Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	\$400	11-Oct-2006	11-Oct-2007	0.0 0.0 0.0	\$0 \$0 \$0	\$0 \$0 \$0	\$( \$( \$(
	Notes for AVOIDED costs	The avoided						the 12 month
Notes for AVOIDED costs  The avoided cost includes the amount to test the backflow prevention assemblies, calculated for the 12 month period proceeding the date of the investigation.								
			and the second s					

Policy Revision 2 (Septe	Penalty Calculation	n Worksheet (P	CW) PCW Revision No.	ovember 6, 2007
TCEQ	47.0			
DATES Assigned PCW	17-Dec-2007 2-Jan-2008 <b>Screening</b> 2-Jan-2008	EPA Due		
	2 941, 2000			
RESPONDENT/FACILITY			4	
Respondent Reg. Ent. Ref. No.	City of Rockdale			
Facility/Site Region		Major/Minor Source	Minor	
CASE INFORMATION Enf./Case ID No.	35165	No. of Violations	[1	
	2008-0023-MLM-E	Order Type		Annual or Company
Media Program(s)	Water Rights		Epifanio Villarreal	NAAAAA MARAA
	Public Water Supply		Enforcement Team 2	
Admin. Penalty \$ L	imit Minimum \$0 Maximum	\$5,000		T T T T T T T T T T T T T T T T T T T
	Penalty Calcula	tion Section		
	•			<b>6500</b>
TOTAL BASE PENAL	TY (Sum of violation base penaltie	s)	Subtotal 1	\$500
ADJUSTMENTS (+/-)	TO SUBTOTAL 1			· · · · · · · · · · · · · · · · · · ·
	ed by multiplying the Total Base Penalty (Subtotal 1) by		<del></del>	
Compliance Histor	ry 22%	Enhancement Subte	otals 2, 3, & 7	\$110
Notes	The penalty enhancement is due to one	prior dissimilar Notice of		Apparent or Laboratory
Notes	Violation and one prior order that conta	ins a denial of liability.		A A A A A A A A A A A A A A A A A A A
L	00/		0	\$0
Culpability	No 0%	Enhancement	Subtotal 4	\$0
Notes	The Respondent does not meet the	culpability criteria.		on the second se
	·			Acceptance of the control of the con
Good Faith Effort	to Comply 0%	Reduction	Subtotal 5	\$0
_	Before NOV NOV to EDPRP/Settlement Offer		Product Co	
Extraordinary				, v
Ordinary N/A	X (mark with x)			Average Averag
		1.5.11. 14.	1	The state of the s
Notes	The Respondent does not meet the	good faith criteria.		***************************************
<b>L</b>				•••
		Enhancement* at the Total EB \$ Amount	Subtotal 6	\$0
Approx. 0	Cost of Compliance \$300	at the rotal ED \$7 mount		<b>*************************************</b>
	・ ・ ・ ・ ・ ・ ・ ・ ・ ・ ・ ・ ・ ・ ・ ・ ・ ・ ・ ・	_		¢640
SUM OF SUBTOTALS	<b>3 1-7</b> (10 ) 4 (10 ) 4 (10 ) 5 (10 )		Final Subtotal	\$610
OTHER EACTORS AS	S JUSTICE MAY REQUIRE	0%	Adjustment	\$0
	ibtotal by the indicated percentage.	. 070	Aujustinent	**
,				40 V W HITTING THE STREET
Notes				WA ARREST WATER
		Einal Po	」 nalty Amount ☐	\$610
		rillai re	naity Amount	ΨΟΙΟ
STATUTORY LIMIT A	DJUSTMENT	Final Asse	essed Penalty	\$610
DEFERRAL		20% Reduction	Adjustment	-\$122
Reduces the Final Assessed Pena	alty by the indicted percentage. (Enter number only; e.g	. 20 for 20% reduction.)	7	
Niataa	Deferral offered for expedite	d sattlement		on above of contract of the co
Notes	. Deletrat offered for expediter	a somement.		acces of the second
			_	211000000
PAYABLE PENALTY				\$488

Screening Date 2-Jan-2008

Docket No. 2008-0023-MLM-E

Respondent City of Rockdale

Case ID No. 35165

Reg. Ent. Reference No. RN101190189 Media [Statute] Water Rights Enf. Coordinator Epifanio Villarreal Policy Revision 2 (September 2002) PCW Revision November 6, 2007

100	mponent	Number of	Inter Number Here	Adjust.
	NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	. O . J. B.	0%
	10 11 9	Other written NOVs	1.	2%
		Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	joseksykosykelet a je orozádkalekszád	20%
		Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission		0%
	udgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Decides	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government		0%
C	onvictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
E	Emissions	Chronic excessive emissions events (number of events)	Q	0%
	Audits	Letters notifying the executive director of an Intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	es liting	0%
		Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	100 marketid (0 2 m. ) (1 m.)	···' 0%
L		Pleas	se Enter Yes or No	
		Environmental management systems in place for one year or more	No	0%
	Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	0.0101	Participation in a voluntary pollution reduction program	No	0%
		Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%
1		Adjustment P		
eat V	iolator (Sul	btotal 3)		ERREITO
Γ-	N/A	Adjustment P	ercentage (Sเ	ıbtotal 3)
nplia	nce History	Person Classification (Subtotal 7)	1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1	The second
	Average Pe	erformer Adjustment P	ercentage (Sเ	ıbtotal 7)
npliai	nce History		os estal tar	· · · · · · · ·
C	ompliance History	The penalty enhancement is due to one prior dissimilar Notice of Violation and one prior order	er that contains	

Screening D	<b>ate</b> 2-Jan-2008	e consecuence com commence anne e e e e e e e e e e e e e e e e e	Doc	ket No. 2008-0023-MLM-E	PCW
Respond	ent City of Rockda	ale		Policy F	Revision 2 (September 2002)
Case ID				PCW	Revision November 6, 2007
Reg. Ent. Reference		9			MAP A Controller
	ıte] Water Rights				object of the second
	tor Epifanio Villar	real		and the second of the second o	na a constantina de la constantina della constan
Violation Num	nber 1				7
Rule Cit	e(s)	30 Tex. A	dmin. Code §§ 28	38.20(a) and 288.30(5)(B)	Annual Market
Violation Descrip	<b>tion</b> Fa	iled to provide	e a copy of an add	opted drought contingency plan.	
				Base Penalty	\$5,000
>> Environmental, Proper  Rele OR Ac		Health Mat Harm Moderate	rix Minor		
Pote	L			Percent 0%	000000
	<u>[L</u> ]		<u></u>		OLDING A A A A
>>Programmatic Matrix	Apple Control of the				AND WELL AND
Falsifica	tion Major	Moderate	Minor	management of the state of the	a.co velydololo
	X			Percent 10%	Disable and the second of the
					7
Matrix Notes		100% of the	rule requirement	was not met.	
				Adjustment \$4,500	)
POSSAGE - Communication of the control of the contr			delia (Condition) education (Condition)	- Tradition Balas (1992) - Principal Colombia (1994) - Pr	\$500
•					\$500
Violation Events	A CONTRACTOR OF THE PARTY OF TH	or 199 Malaka			
			ı i <del>r</del>		
Number o	of Violation Events	7		Number of violation days	
	daily				
	monthly				
mark only				Violation Base Penalty	\$500
with an	Joinnaintaar				
	annual				
	single event	X ]			
					1
		One sin	gle event is recor	mmended.	
Economic Benefit (EB) fo	r this violation	Aller of the latest state of the		Statutory Limit Test	
Estin	nated EB Amount		\$1	Violation Final Penalty Tota	ı \$610
		T	nis violation Fin	al Assessed Penalty (adjusted for limits	) \$610

Respondent City of Rockdale		<b>E</b>	conomic	Benefit W	orks	sheet	oreo griesian	
Notes for DELAYED costs   Disposal	Responden						, and the second second	
Vears of   Depreciation   Deprecia	Case ID No	35165					Section 1988	
Vears of   Depreciation   Deprecia	Reg. Ent. Reference No	RN101190189						
Notes for DELAYED costs   De							Majoria de la Company	Years of
Item Cost   Date Required   Final Date   Yrs   Interest Saved   Onetime Costs   EB Amount							Percent Interest	
Item Cost	Violation				i in	aynaryosaaaana k		propried to the state of the st
Delayed Costs				v 11 <u>21</u> - <u>2</u>			banangan manangan manangan manangan penangan	And the second s
Delayed Costs		Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment Buildings	Item Descriptio	n No commas or \$					(glejed) spred	
Equipment Buildings	***							
Equipment Buildings	Delayed Cost	<b>ś</b> illystyck for the	A STATE OF THE STA			e i e e e e e e e e e e e e e e e e e e		
Buildings					0.0	\$0	\$0	\$0
Engineering/construction   Land					0,0	\$0	\$0	
Land	Other (as needed)	\$300	11-Oct-2007	24-Oct-2007	0.0	\$0	\$1	\$1
Record Keeping System Training/Sampling Remediation/Disposal Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs  ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)  Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs  Notes for AVOIDED costs	Engineering/construction	. Hajirija di	मन्त्री कुन्तुक्षस्य	по удра в евруе	0.0		ाज्यवाच \$०० वताह	
Comparison   Com								
Remediation/Disposal Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs  Notes for AVOIDED costs  Notes for AVOIDED costs				A				
Notes for DELAYED costs  Notes for DELAYED costs  Avoided Costs  Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs  Other (as needed)  Notes for AVOIDED costs								
Notes for DELAYED costs  The delayed cost includes the amount to provide a copy of the drought contingency plan, calculated from the date of when the violation began to the date of compliance.  Avoided Costs  Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs  Notes for AVOIDED costs  Notes for AVOIDED costs  The delayed cost includes the amount to provide a copy of the drought contingency plan, calculated from the date of when the violation began to the date of compliance.  **The delayed cost includes the amount to provide a copy of the drought contingency plan, calculated from the date of when the violation began to the date of compliance.  **The delayed cost includes the amount to provide a copy of the drought contingency plan, calculated from the date of when the violation began to the date of compliance.  **The delayed cost includes the amount to provide a copy of the drought contingency plan, calculated from the date of when the violation began to the date of compliance.  **The delayed cost includes the amount to provide a copy of the drought contingency plan, calculated from the date of when the violation began to the date of compliance.  **The delayed cost includes the amount to provide a copy of the drought contingency plan, calculated from the date of when the violation began to the date of compliance.  **The delayed cost includes the amount to provide a copy of the drought contingency plan, calculated from the date of compliance.  **The delayed cost is defined as a copy of the drought contingency plan, calculated from the date of compliance.  **The delayed cost is defined as a copy of the drought contingency plan, calculated from the date of compliance.  **The delayed cost is defined as a copy of the date of compliance.  **The delayed cost is defined as a copy of the date of compliance.  **The delayed cost is defined as a copy of the date of compliance.  **The delayed cost is defined as a copy of the date of copy of the date of copy of t	•							
Notes for DELAYED costs  The delayed cost includes the amount to provide a copy of the drought contingency plan, calculated from the date of when the violation began to the date of compliance.  Avoided Costs  Disposal Personnel 0.0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	4 11 ±112 v	<u> </u>						
Avoided Costs	Other (as needed)				0.0	\$0	n/a	\$0
Disposal Personnel			of v	vhen the violation b	egan to	the date of compl	lance. อลาอโษห์	
Personnel			1					
Inspection/Reporting/Sampling	•							
Supplies/equipment								
Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)  Notes for AVOIDED costs								
Other (as needed)  Notes for AVOIDED costs	Financial Assurance [2]				0.0	\$0	\$0	
Notes for AVOIDED costs	ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Notes for Avoided Costs	Other (as needed)				0,0	\$0	\$0	\$0
Notes for Avoided costs		a coming to the	Contract to the state of the	egiptima en epitologico			transparent and	
Notes for Avoided Costs								1,114
Approx. Cost of Compliance \$300 TOTAL \$1	Notes for AVOIDED costs		or and the tribute	网络真然 经联合证据				141
Approx. Cost of Compliance \$300 TOTAL \$1								2.1.3
Approx. Cost of Compliance \$300 TOTAL \$1		Later to the state of the state		<del>)                                    </del>				
Approx. Cost of Compliance \$300 TOTAL \$1			A	i		الأقاصوص المناف		
	Approx. Cost of Compliance	1000	\$300			TOTAL		\$1

Rating: 2.87

Site Rating:

1660002

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**Compliance History** Classification: AVERAGE City of Rockdale Customer/Respondent/Owner-Operator: CN600636534 RN101190189 CITY OF ROCKDALE Classification: Regulated Entity: ID Number(s): REGISTRATION PUBLIC WATER SYSTEM/SUPPLY LICENSE WATER LICENSING Location: INTERSECTION OF MILL STREET AND SOUTH WILCOX STREET, ROCKDALE, MILAM COUNTY TCEQ Region: REGION 09 - WACO Date Compliance History Prepared: January 02, 2008 Agency Decision Requiring Compliance History: Enforcement Compliance Period: January 02, 2003 to January 02, 2008 TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History Name: Epi Villarreal Phone: (210) 403-4033 **Site Compliance History Components** 1. Has the site been in existence and/or operation for the full five year compliance period? Yes 2. Has there been a (known) change in ownership of the site during the compliance period? No N/A 3. If Yes, who is the current owner? 4. if Yes, who was/were the prior owner(s)? N/A N/A 5. When did the change(s) in ownership occur? Components (Multimedia) for the Site: Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government. ADMINORDER 2006-0032-MLM-E Effective Date: 07/14/2006 Classification: Minor 30 TAC Chapter 290, SubChapter D 290.44(h)(1)(A) Description: Failure to install backflow prevention assemblies or an air gap at all residences or establishments where an actual or potential contamination hazard exists. Any criminal convictions of the state of Texas and the federal government. B N/A Chronic excessive emissions events. C N/A The approval dates of investigations. (CCEDS Inv. Track. No.) D 1 07/26/2005 (397395)2 10/27/2005 (431496)3 12/19/2005 (449787)E. Written notices of violations (NOV). (CCEDS Inv. Track. No.) Date: 07/29/2005 (397395)Classification: Minor Self Report? 30 TAC Chapter 290, SubChapter D 290.42(e)(4)(A) Citation: Failure to provide a bottle of fresh ammonia for chlorine leak detection in the Description: disinfection room. NO Classification: Minor Self Report?

> 30 TAC Chapter 290, SubChapter D 290.42(e)(4)(C) Citation: Description:

Failure to provide adequate ventilation in the disinfection rooms of the Texas and Mill

Failure to provide facilities for determining the amount of disinfectant used daily as well

Classification:

Minor

30 TAC Chapter 290, SubChapter D 290.42(e)(3)(D)

as the amount of disinfectant remaining for use.

St. Plants.

Citation: Description:

Self Report?

Self Report? NO Classification: Moderate Citation: 30 TAC Chapter 290, SubChapter D 290.46(j) Description: Failure to use an approved version of the Customer Service Inspection Report. Self Report? Classification: Minor 30 TAC Chapter 290, SubChapter D 290.44(h)(1)(A) Citation: Description: Failure to install backflow prevention assemblies or an air gap at all residences or establishments where an actual or potential contamination hazard exists. NO Classification: Self Report? Minor Citation: 30 TAC Chapter 290, SubChapter D 290,46(f)(2) Description: Failure to provide water system records that needed to be reviewed at the time of the investigation. Self Report? NO Classification: Minor 30 TAC Chapter 290, SubChapter D 290.41(c)(1)(D) Citation: Description: Failure to insure that pastured livestock are prohibited from within 50 ft of a public drinking supply well. ΝO Self Report? Classification: Minor Citation: 30 TAC Chapter 290, SubChapter D 290,41(c)(3)(N) Description: Failure to provide adequate metering to all water pumped from the wells. Self Report? NO Classification: Minor 30 TAC Chapter 290, SubChapter D 290.43(e) Citation: Description: Failure to provide an intruder-resistant fence in order to protect the Mill St. elevated storage tank, and the ground storage and pressure maintenance facilities at the Mill St. and Texas St. Plants. Self Report? NO Classification: Minor 30 TAC Chapter 290, SubChapter D 290.46(t) Citation: Description: Failure to post a legible ownership sign at the Texas St. elevated tank site. Self Report? NO Classification: Minor Citation: 30 TAC Chapter 290, SubChapter D 290.46(m) Description: Failure to maintain the system facilities to insure the good working condition and general appearance of the system's facilities and equipment. Self Report? NO Classification: Minor 30 TAC Chapter 290, SubChapter D 290.42(I) Citation: Description: Failure to keep a plant operations manual. Self Report? Classification: Minor Citation: 30 TAC Chapter 290, SubChapter D 290.43(c) Description: Failure to provide a proper ground storage tank roof to prevent the possibility of ponding. Self Report? NO Classification: Minor Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(2) Failure to provide a lockable roof hatch. Description: Classification: Self Report? NO Minor 30 TAC Chapter 290, SubChapter D 290.43(c)(3) Citation: Description: Failure to properly seal the overflow pipe of the ground storage tanks. Self Report? NO Classification: Minor 30 TAC Chapter 290, SubChapter D 290.43(c)(4) Citation: Description: Failure to equip the Mill St. ground storage tank and the Texas St. elevated tank with a proper liquid level indicator. Self Report? NO Classification: Minor Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(2) Description: Failure to provide the roof hatch with a gasket to form a positive seal, in order to prevent insects and other possible contaminants from entering the water supply. Classification: Self Report? NC Minor 30 TAC Chapter 290, SubChapter D 290.43(c)(1) Citation: Failure to provide a properly screened roof vent on the large Texas St. ground storage Description: tank. Self Report? NC Classification: Minor Citation: 30 TAC Chapter 290, SubChapter D 290.42(f)(1)(D) Description: Failure to provide proper chemical storage. Self Report? NO Classification: Minor 30 TAC Chapter 290, SubChapter D 290.46(m)(4) Citation: Failure to maintain distribution system lines, water storage and pressure maintenance Description: facilities, and related appurtenances in a watertight condition and be free of excessive Classification: Self Report? Minor NO 30 TAC Chapter 290, SubChapter D 290,41(c)(3)(B) Citation: Failure to provide a well casing eighteen inches above the ground surface. Description:

Self Report? NO

Classification:

Minor

Citation:

30 TAC Chapter 290, SubChapter D 290.41(c)(3)(K)

Description:

Failure to seal the wellhead with the use of gaskets or a pliable crack-resistant caulking

compound.

Failure to seal the wellhead with the use of gaskets or a pliable crack-resistant caulking

compound.

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	TEXAS COMMISSION ON
CITY OF ROCKDALE	§	
RN101190189	§	ENVIRONMENTAL QUALITY

#### AGREED ORDER DOCKET NO. 2008-0023-MLM-E

#### I. JURISDICTION AND STIPULATIONS

At its \_\_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding City of Rockdale ("the City") under the authority of TEX. HEALTH & SAFETY CODE ch. 341 and TEX. WATER CODE ch. 11. The Executive Director of the TCEQ, through the Enforcement Division, and the City appear before the Commission and together stipulate that:

- 1. The City owns and operates a public water supply located at the intersection of Mill Street and South Wilcox Street in Rockdale, Milam County, Texas (the "Facility") that has approximately 2,212 service connections and serves at least 25 people per day for at least 60 days per year.
- 2. The City's Facility adjoins, is contiguous with or surrounds state water as defined in TEX. WATER CODE § 11.021 and 30 TEX. ADMIN. CODE § 297.1(46).
- 3. The Commission and the City agree that the Commission has jurisdiction to enter this Agreed Order, and that the City is subject to the Commission's jurisdiction.
- 4. The City received notice of the violations alleged in Section II ("Allegations") on or about December 15, 2007.
- 5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the City of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

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- 6. An administrative penalty in the amount of Seven Thousand Twenty-Two Dollars (\$7,022) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Five Thousand Six Hundred Eighteen Dollars (\$5,618) shall be conditionally offset by the City's completion of a Supplemental Environmental Project ("SEP") and One Thousand Four Hundred Four Dollars (\$1,404) is deferred contingent upon the City's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the City fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the City to pay all or part of the deferred penalty.
- 7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
- 8. The Executive Director of the TCEQ and the City have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
- 9. The Executive Director recognizes that the City has implemented the following corrective measures at the Facility:
  - a. On October 24, 2007, provided copies of the following water system records: bacteriological sample site plan, map, maximum day water usage, annual tank inspection forms for the ground and elevated storage tanks;
  - b. On October 24, 2007, submitted photographic documentation of the fences with the repaired barbed wire sections of the Allday elevated tower and the Texas Street Plant;
  - c. On October 24, 2007, provided compliance documentation demonstrating that the well meters were calibrated;
  - d. On October 24, 2007, submitted photographic documentation of the water level indicators that were installed on the ground storage tanks at the Texas Street Plant and at the Mill Street plant;
  - e. On October 12, 2007, submitted a copy of the plant operations manual:
  - f. On October 24, 2007, submitted compliance documentation demonstrating that the backflow assemblies have been tested; and
  - g. On October 24, 2007, provided a copy of the drought contingency plan.
- 10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the City has not complied with one or more of the terms or conditions in this Agreed Order.
- 11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.

12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

#### II. ALLEGATIONS

As owner and operator of the Facility, the City is alleged to have:

- 1. Failed to provide water system records to Commission personnel at the time of the investigation, in violation of 30 Tex. ADMIN. Code § 290.46(f)(2) and 290.46(f)(3)(D)(iii), as documented during an investigation conducted on October 11, 2007.
- 2. Failed to provide an intruder-resistant fence to protect the Allday elevated tower and the Texas Street Plant, in violation of 30 Tex. ADMIN. CODE § 290.43(e), as documented during an investigation conducted on October 11, 2007.
- 3. Failed to plug and seal an abandoned public water supply well in accordance with 16 TEX. ADMIN. CODE ch. 76 or return the well to a non-deteriorated condition, in violation of 30 TEX. ADMIN.CODE § 290.46(u), as documented during an investigation conducted on October 11, 2007.
- 4. Failed to calibrate the water system's well meters once every three years, in violation of 30 Tex. ADMIN. CODE § 290.46(s)(1), as documented during an investigation conducted on October 11, 2007.
- 5. Failed to provide the 20,000 gallon storage tank at the Texas Street Plant and the below ground storage tank at the Mill Street Plant with a water level indicator, in violation of 30 TEX. ADMIN. CODE § 290.43(c)(4), as documented during an investigation conducted on October 11, 2007.
- 6. Failed to maintain a plant operations manual for operator review and reference, in violation of 30 TEX. ADMIN. CODE § 290.42(l), as documented during an investigation conducted on October 11, 2007.
- 7. Failed to test backflow prevention assemblies on an annual basis by a recognized backflow assembly tester and certified to be operating within specifications, in violation of 30 TEX. ADMIN. CODE § 290.44(h)(4), as documented during an investigation conducted on October 11, 2007.
- 8. Failed to provide a copy of an adopted drought contingency plan, in violation of 30 TEX. ADMIN. CODE §§ 288.20(a) and 288.30(5)(B), as documented during a record review conducted on January 28, 2008.

#### III. DENIALS

The City generally denies each allegation in Section II ("Allegations").

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#### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the City pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the City's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Rockdale, Docket No. 2008-0023-MLM-E" to:

Financial Administration Division, Revenues Section Attention: Cashier's Office, MC 214 Texas Commission on Environmental Quality P.O. Box 13088 Austin, Texas 78711-3088

- 2. The City shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I Paragraph 6 above, Five Thousand Six Hundred Eighteen Dollars (\$5,618) of the assessed administrative penalty shall be offset with the condition that the City implement the SEP defined in Attachment A, incorporated herein by reference. The City's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
- 3. It is further ordered that the City shall undertake the following technical requirements:
  - a. Within 90 days after the effective date of this Agreed Order, ensure that the Belton well is properly plugged with cement according to 16 Tex. ADMIN. CODE ch. 76 or repaired to a non-deteriorated condition, in accordance with 30 Tex. ADMIN. CODE § 290.46; and
  - b. Within 105 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

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Order Compliance Team Enforcement Division, MC 149A Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

with a copy to:

Water Section Manager
Waco Regional Office
Texas Commission on Environmental Quality
6801 Sanger Avenue, Suite 2500
Waco, Texas 76710-7826

- 4. The provisions of this Agreed Order shall apply to and be binding upon the City. The City is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
- 5. If the City fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the City's failure to comply is not a violation of this Agreed Order. The City shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The City shall notify the Executive Director within seven days after the City becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay
- 6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the City shall be made in writing to the Executive Director. Extensions are not effective until the City receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
- 7. This Agreed Order, issued by the Commission, shall not be admissible against the City in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
- 8. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
- 9. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the City, or three days after the date on which the Commission mails notice of the Order to the City, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

# SIGNATURE PAGE

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission	
For the Executive Director	5/21/2008 Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions:
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Signature

Name (Printed or typed)

Authorized Representative of

City of Rockdale

Date March 08

City Manager

Title

**Instructions**: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

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# Attachment A Docket Numbers: 2008-0023-MLM-E

#### SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:

City of Rockdale

**Penalty Amount:** 

Five Thousand Six Hundred Eighteen Dollars (\$5,618)

**SEP Offset Amount:** 

Five Thousand Six Hundred Eighteen Dollars (\$5,618)

Type of SEP:

Cleanup of Unauthorized Dumpsite (pre-approved concept)

Location of SEP:

Milam County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset the administrative Penalty Amount assessed in this Agreed Order for the Respondent to perform a Supplemental Environmental Project ("SEP"). The SEP Offset Amount is set forth above and such offset is conditioned upon completion of the project in accordance with the terms of this Attachment A.

# 1. Project Description

# A. Project

The Respondent shall perform a cleanup of an unauthorized trash and tire dumpsite along approximately 1,200 feet of creek located between Highway 79 and East 3<sup>rd</sup> Street in Milam County. The Respondent shall ensure that collected wastes are properly disposed of or recycled. The Respondent shall ensure that the event:

- occurs on a weekend or after-hours
- results in proper disposal or recycling of wastes
- is performed on properties where no responsible party can be found or where the property owner is low income

SEP monies will be used for equipment including roll-off bins, trailers, over time labor of employees, and proper disposal of the wastes.

The Respondent shall perform this project in accordance with all federal, state and local laws and regulations. The Respondent shall use the SEP Offset Amount only for the direct cost of implementing the project and no portion shall be spent on administrative costs. The Respondent recognizes that additional funds over and above the SEP Offset Amount may be necessary to conduct the event.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

#### B. Environmental Benefit

This SEP will provide a discernible environmental benefit by providing for the proper disposal of wastes and tires from an illegal dump. Disposal of the tires will help rid the community of the attractive nuisance that can

City of Rockdale Agreed Order – Attachment A 2008-0023-MLM-E

harbor vermin and mosquitoes that can carry West Nile virus. The cleanup will also help prevent release of harmful chemicals into the environment should the tires catch fire.

### C. Minimum Expenditure

The Respondent shall spend at least the SEP Offset Amount to complete the project described above and comply with all other provisions of this Attachment A.

#### 2. Performance Schedule

The Respondent shall complete the project within one year after the effective date of this Agreed Order.

# 3. Reporting

# A. Progress Reports

Within 90 days after the effective date of this Agreed Order, the Respondent shall submit a report to the TCEQ indicating the progress made to date and setting forth a schedule for achieving completion within the time required above. The Respondent shall report to TCEQ quarterly (in 90-day increments) thereafter until the project is completed.

# B. <u>Final Report</u>

Within 60 days after completion of the project, the Respondent shall submit a report to the TCEQ which includes:

- 1. An itemized list and total of expenditures and costs incurred with receipts, copies of checks, or other verifying documentation attached;
- 2. A statement of quantifiable environmental benefits;
- 3. Quantification of the amount of wastes collected and disposed or recycled;
- 4. Manifests indicating proper disposal or recycling of wastes;
- 5. Photographs of the project; and
- 6. Any additional information the Respondent believes will demonstrate compliance with this Attachment A.

#### C. Address

The Respondent shall submit all SEP reports and any requested additional information to the following address:

Litigation Division
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

#### 4. Additional Information and Access

The Respondent shall provide any additional information required by TCEQ staff and allow access to all records related to the receipt and expenditure of SEP funds. The Respondent shall also allow a representative of the TCEQ access to the site of any work being financed in whole or in part by SEP funds. This provision survives the termination of this Agreed Order.

# 5. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Offset Amount.

In the event of incomplete performance, the Respondent shall include the docket number of this Agreed Order with payment of the amount due, explaining that the payment is for a SEP reimbursement. The payment for any amount due shall be made out to the "Texas Commission on Environmental Quality" and shall be mailed to:

Litigation Division Attention: SEP Coordinator, MC 175 Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

#### 6. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must also clearly state that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

# 7. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program. Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

# 8. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other orders negotiated with the TCEQ or any other agency of the state or federal government.